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PRELIMINARY STATEMENT.

It is difficult for us to understand how petitioner was able to coin or phrase the five "Questions Presented" in its Petition. In our opinion, a reading of the decision involved discloses that there can only be one simple and succinct issue arising from it.

THE QUESTION PRESENTED.

Whether a court of appeals can review an order of a district court which attempts to enforce an award (rendered by an adjustment board pursuant to the applicable provisions of the Railway Labor Act) to determine if the award is enforceable in the manner and to the extent ordered by a district court.

OTHER STATUTES INVOLVED.

Other applicable provisions of the Railway Labor Act are: 45 U.S.C. §153 First, (i), (m), and (o), which are printed in the Appendix, p. A1.

STATEMENT OF THE CASE.

Material facts of the case are stated fully in the decision of the Court of Appeals (Petitioner's Appendix B, at A4 to A12).

ARGUMENT.

For many years we have plowed through Petitioner's fusillade (Addendum to pet.'s Br. in Ct. of Appeals, pp. 1a to and including 41a, and App. of respondent in Ct. of Appeals, pp. 1 to and including 62, and the many briefs that were filed with the Courts below). We have, many times, studied the opinion of the Court of Appeals along with petitioner's petition. Admittedly, the opinion without the citation of judicial authority led us to think far beyond the obvious.

We grasp the point. If the Federal Courts have the power to enforce or review an award, as conceded by petitioner (Petition, pp. 11 and 12), the Courts, obviously, have the power to read (not interpret) the award that is in issue. The Court of Appeals, a superior court of review (as opposed to the District Court in this type of case) having the power to review (45 U.S.C. § 153 First (q), Petition, Appendix A, p. A2), specifically pointed out that it did not read the award as the District Court did (Petition, Appendix B, pp. A6, A11 and A12). And, it reasoned why it could not.

We rest our case on the opinion of the Court of Appeals.

CONCLUSION.

The decision of the Court of Appeals is not in conflict with decisions of other courts of appeals. There is no important question in the administration of the Railway Labor Act raised by it. Therefore, it is respectfully requested that the petition for a writ of certiorari be denied.

Respectfully submitted,

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APPENDIX.

45 U.S. C. § 153 First, provides in part:

(i) The disputes between an employee or group of employees and a carrier or carriers growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, including cases pending and unadjusted on June 21, 1934, shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes; but, failing to reach an adjustment in this manner, the disputes may be referred by petition of the parties or by either party to the appropriate division of the Adjustment Board with a full statement of the facts and all supporting data bearing upon the disputes.

(m) The awards of the several divisions of the Adjustment Board shall be stated in writing. A copy of the award shall be furnished to the respective parties to the controversy, and the awards shall be final and binding upon both parties to the dispute. In case a dispute arises involving an interpretation of the award, the division of the Board upon request of either party shall interpret the award in the light of the dispute.

(o) In case of an award by any division of the Adjustment Board in favor of petitioner, the division of the Board shall make an order, directed to the carrier, to make the award effective and, if the award includes a requirement for the payment of money, to pay to the employee the sum to which he is entitled under the award on or before a day named. In the event any division determines that an award favorable to the petitioner should not be made in any dispute referred to it, the division shall make an order to the petitioner stating such determination.